

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) An optical element of an optical pickup device for at least one of reproducing ~~and/or~~ and recording information on a first optical information recording medium having a protect substrate thickness t_1 by using a light beam having a first wavelength λ_1 emitted from a first light source, and for at least one of reproducing ~~and/or~~ and recording information on a second optical information recording medium having a protect substrate thickness t_2 ($t_2 \geq t_1$) by using a light beam having a second wavelength λ_2 ($\lambda_2 > \lambda_1$) emitted from a second light source, comprising:

a diffractive structure having a plurality of diffracting ring-shaped zones arranged around an optical axis on at least one optical surface; and

an optical path difference giving structure ~~arranged on an optical surface of at least one of the plurality of diffracting ring-shaped zones,~~ for giving a prescribed optical path difference to a prescribed light beam passing through the diffracting ring-shaped ~~zone~~ zones,

wherein the diffractive structure emits an L-th ($L \neq 0$) order diffracted light with a larger light amount than any other diffractive light, when the light beam having the first wavelength λ_1 passes through the diffractive structure, which emits an M-th ($M \neq 0$) order diffracted light with a larger light amount than any other diffractive light, when the light beam having the second wavelength λ_2 passes through the diffractive structure, and

wherein the optical path difference giving structure is superimposed on the diffractive structure so that at least one stepped shape of the optical path difference giving structure is

disposed inside the boundary of the optical surface of at least one of the plurality of diffracting ring-shaped zones

~~wherein the diffractive structure is a structure having a diffracting function for setting L-th ($L \neq 0$) order diffracted light of the light beam having the first wavelength λ_1 to a maximum diffraction efficiency and for setting M-th ($M \neq 0$) order diffracted light of the light beam having the second wavelength λ_2 to a maximum diffraction efficiency if the optical path difference giving structure does not exist on the optical surface of the diffractive structure.~~

2. (Currently Amended) The optical element of claim 1, wherein as compared with the diffractive structure when the optical path difference giving structure is not provided on the optical surface of the diffractive structure, the optical path difference giving structure lowers an absolute value of an optical phase difference between the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 by changing a phase of at least one of the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 , the L-th order diffracted light and the M-th order diffracted light being caused by the diffractive structure ~~having the diffracting function~~.

3. (Currently Amended) The optical element of claim 1, wherein as compared with the diffractive structure when the optical path difference giving structure is not provided on the optical surface of the diffractive structure, the optical path difference giving structure lowers an absolute value of an optical phase difference between the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having

the second wavelength λ_2 by substantially giving no change of a phase of one of the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 and by giving a phase difference to the other of the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light having the light beam having the second wavelength λ_2 , the L-th order diffracted light and the M-th order diffracted light being caused by the diffractive structure ~~having the diffracting function~~.

4. (Currently Amended) The optical element of claim 1, wherein as compared with the diffractive structure when the optical path difference giving structure is not provided on the optical surface of the diffractive structure, the optical path difference giving structure lowers an absolute value of an optical phase difference between the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 by giving a phase difference to both the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 , the L-th order diffracted light and the M-th order diffracted light being caused by the diffractive structure ~~having the diffracting function~~.

5. (Previously Presented) The optical element of claim 1, wherein as compared with the diffractive structure when the optical path difference giving structure is not provided on the optical surface of the diffractive structure, the optical path difference giving structure lowers an absolute value of an optical phase difference between the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having

the second wavelength λ_2 by giving an optical path difference approximately equal to an integral multiple having the first wavelength λ_1 to the L-th order diffracted light of the light beam having the first wavelength λ_1 to substantially give no change of a phase difference generated by the diffractive structure and by giving an optical path difference not equal to an integral multiple having the second wavelength λ_2 to the M-th order diffracted light of the light beam having the second wavelength λ_2 .

6. (Previously Presented) The optical element of claim 1, wherein the optical path difference giving structure sets the absolute value of the optical phase difference to a value lower than 0.6π radians.

7. (Currently Amended) The optical element of claim 1, wherein the diffractive structure is having the diffracting function has a discontinuous surface formed in a serrate shape, and the optical path difference giving structure is has a discontinuous surface formed in a stepped shape along a direction of the optical axis.

8. (Currently Amended) The optical element of claim 1, wherein the diffractive structure is having the diffracting function has a discontinuous surface formed in a stepped shape along a direction of the optical axis, and the optical path difference giving structure is has a discontinuous surface formed in a stepped shape along the direction of the optical axis.

9. (Currently Amended) The optical element of claim 1, wherein the optical surface comprises a central region arranged around the optical axis and formed in an approximately circular shape, and a peripheral region arranged at a periphery of the central region, the diffractive structure ~~having the diffracting function~~ and the optical path difference giving structure are provided in the central region, and the diffractive structure formed in a serrate shape is provided in the peripheral region.

10. (Currently Amended) The optical element of claim 1, wherein the optical surface comprises a central region arranged around the optical axis and formed in an approximately circular shape, and a peripheral region arranged at a periphery of the central region, the diffractive structure ~~having the diffracting function~~ and the optical path difference giving structure are provided in the central region, and the optical path difference giving structure is provided in the peripheral region.

11. (Currently Amended) The optical element of claim 1, wherein the optical surface comprises a central region arranged around the optical axis and formed in an approximately circular shape, and a peripheral region arranged at a periphery of the central region, the diffractive structure ~~having the diffracting function~~ and the optical path difference giving structure are provided in the central region, and a refractive structure for refracting a light beam is arranged in the peripheral region.

12. (Previously Presented) The optical element of claim 1, wherein $L=M$ is satisfied.

13. (Previously Presented) The optical element of claim 1, wherein $L=M=1$ is satisfied.

14. (Previously Presented) The optical element of claim 7, wherein the number of the discontinuous surfaces which are formed in a stepped shape along a direction of the optical axis and composes the optical path difference giving structure, is 2 or 3.

15. (Previously Presented) The optical element of claim 1, wherein the first wavelength λ_1 satisfies:

$$370 \text{ nm} \leq \lambda_1 \leq 430 \text{ nm}, \text{ and}$$

the second wavelength λ_2 satisfies:

$$620 \text{ nm} \leq \lambda_2 \leq 680 \text{ nm}.$$

16. (Currently Amended) The optical element of claim 1, wherein the diffractive structure ~~having the diffracting function~~ sets a sum of a diffraction efficiency of the L-th order diffracted light of the light beam having the first wavelength λ_1 and a diffraction efficiency of the M-th order diffracted light of the light beam having the second wavelength λ_2 to 170% or less, and the optical path difference giving structure heightens the sum of the diffraction efficiency of the L-th order diffracted light of the light beam having the first wavelength λ_1 and the diffraction efficiency of the M-th order diffracted light of the light beam having the second wavelength λ_2 by 10% or more.

17. (Currently Amended) An objective optical element which is the optical element of claim 1, wherein the light beam having the first wavelength λ_1 and the light beam having the second wavelength λ_2 are respectively incident on the optical surface as a diverging light beam, and the light beam having the first wavelength λ_1 and the light beam having the second wavelength λ_2 are converged on a prescribed optical information recording medium in a condition that at least one of a spherical aberration and/or a wave front aberration are corrected.

18. (Previously Presented) The objective optical element of claim 17, wherein a magnification m of the objective optical element satisfies a formula:

$$-0.295 \leq m \leq -0.049.$$

19. (Previously Presented) The objective optical element of claim 17, wherein a curvature radius R_1 of a paraxial region of an optical surface on a light source side and a curvature radius R_2 of a paraxial region of an optical surface on the optical information recording medium side satisfies a formula:

$$-3.2 < R_2/R_1 < -1.9.$$

20. (Previously Presented) The optical element of claim 1, wherein the first wavelength λ_1 and the second wavelength λ_2 are a use reference wavelength.

21. (Currently Amended) ~~The An objective optical element which is the optical~~ element of claim 20, wherein the optical path difference giving structure gives an optical path

difference to the diffracted light so that a -N-th order diffracted light of the light beam having the use reference wavelength λ_1 has a maximum diffraction efficiency and so that a (-N+1)-th order diffracted light of the light beam having the use reference wavelength λ_2 or a (-N-1)-th order diffracted light of the light beam having the use reference wavelength λ_2 has a maximum diffraction efficiency.

22.-26. (Canceled)

27. (Currently Amended) The ~~objective~~ optical element of claim [[21]] 1, wherein the number of diffracting ring-shaped zones is from 3 to 20.

28. (Currently Amended) The ~~objective~~ optical element of claim [[21]] 20, wherein the optical path difference giving structure gives an optical path difference equal to an integral multiple of the use reference wavelength λ_2 to the light beam having the use reference wavelength λ_2 .

29. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein $L=M$ is satisfied.

30. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein $L=N$ is satisfied.

31. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein $M=N$ is satisfied.

32. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein $L=M=N$ is satisfied.

33. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein the light beam having the use reference wavelength λ_1 and the light beam having the use reference wavelength λ_2 are respectively incident on the optical surface as a diverging light beam, and the light beam having the use reference wavelength λ_1 and the light beam having the use reference wavelength λ_2 are converged on a prescribed optical information recording medium in a condition that at least one of a spherical aberration and/or a wave front aberration are corrected.

34. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein a magnification m of the objective optical element satisfies a formula:

$$-0.295 \leq m \leq -0.049.$$

35. (Currently Amended) The ~~objective~~ optical element of claim 21, wherein a curvature radius R_1 of a paraxial region of an optical surface on a light source side and a curvature radius R_2 of a paraxial region of an optical surface on the optical information recording medium side satisfies a formula:

$$-3.2 < R_2/R_1 < -1.9.$$

36. (Currently Amended) An optical pickup device for at least one of reproducing ~~and/or~~ and recording information on a first optical information recording medium having a protect substrate thickness t_1 by using a light beam having a first wavelength λ_1 emitted from a first light source, and for at least one of reproducing ~~and/or~~ and recording information on a second optical information recording medium having a protect substrate thickness t_2 ($t_2 \geq t_1$) by using a light beam having a second wavelength λ_2 ($\lambda_2 > \lambda_1$) emitted from a second light source, the optical pickup device comprising:

a plurality of optical elements;

wherein at least one of the optical elements comprises:

a diffractive structure having a plurality of diffracting ring-shaped zones arranged around an optical axis on at least an optical surface; and

an optical path difference giving structure ~~arranged on an optical surface of at least one of the plurality of diffracting ring-shaped zones~~, for giving a prescribed optical path difference to a prescribed light beam passing through the diffracting ring-shaped ~~zone~~ zones,

wherein the diffractive structure emits an L-th ($L \neq 0$) order diffracted light with a larger light amount than any other diffractive light, when the light beam having the first wavelength λ_1 passes through the diffractive structure, which emits an M-th ($M \neq 0$) order diffracted light with a larger light amount than any other diffractive light, when the light beam having the second wavelength λ_2 passes through the diffractive structure, and

wherein the optical path difference giving structure is superimposed on the diffractive structure so that at least one stepped shape of the optical path difference giving structure is disposed inside the boundary of the optical surface of at least one of the plurality of

~~diffracting ring-shaped zones wherein the diffractive structure is a structure having a diffracting function for setting L-th ($L \neq 0$) order diffracted light of the light beam having the first wavelength λ_1 to a maximum diffraction efficiency and for setting M-th ($M \neq 0$) order diffracted light of the light beam having the second wavelength λ_2 to a maximum diffraction efficiency in case of an assumption of no existence of the optical path difference giving structure.~~

37. (Currently Amended) The optical pickup device of claim 36, wherein as compared with the diffractive structure when the optical path difference giving structure is not provided on the optical surface of the diffractive structure, the optical path difference giving structure lowers an absolute value of an optical phase difference between the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 by changing a phase of at least one of the L-th order diffracted light of the light beam having the first wavelength λ_1 and the M-th order diffracted light of the light beam having the second wavelength λ_2 , the L-th order diffracted light and the M-th order diffracted light being caused by the diffractive structure ~~having the diffracting function.~~

38. (Currently Amended) The optical pickup device of claim 37, wherein one of the optical elements is an objective optical element, and the light beam having the first wavelength λ_1 and the light beam having the second wavelength λ_2 are respectively incident on the objective optical element as a diverging light beam, and the light beam having the first wavelength λ_1 and the light beam having the second wavelength λ_2 are converged on a prescribed optical

information recording medium in a condition that at least one of a spherical aberration and/or
and a wave front aberration are corrected.

39. (Previously Presented) The optical pickup device of claim 37, wherein a magnification m of the objective optical element satisfies a formula:

$$-0.295 \leq m \leq -0.049.$$

40. (Currently Amended) The optical pickup device of claim 37, wherein information is at least one of reproduced and/or and recorded for a third optical information recording medium having a protect substrate thickness t_3 ($t_3 > t_2$) by using a light beam having a third wavelength λ_3 ($\lambda_3 > \lambda_2$) emitted from a third light source.

41. (Previously Presented) The optical pickup device of claim 36, wherein the first wavelength λ_1 and the second wavelength λ_2 are a use reference wavelength.

42. (Previously Presented) The optical pickup device of claim 41, wherein the optical path difference giving structure gives an optical path difference to the diffracted light so that a - N -th order diffracted light of the light beam having the use reference wavelength λ_1 has a maximum diffraction efficiency and so that a $(-N+1)$ -th order diffracted light of the light beam having the use reference wavelength λ_2 or a $(-N-1)$ -th order diffracted light of the light beam having the use reference wavelength λ_2 has a maximum diffraction efficiency.

43. (Currently Amended) The optical pickup device of claim 42, wherein the light beam having the first wavelength λ_1 and the light beam having the second wavelength λ_2 are respectively incident on the objective optical element as a diverging light beam, and the light beam having the first wavelength λ_1 and the light beam having the second wavelength λ_2 are converged on a prescribed optical information recording medium in a condition that at least one of a spherical aberration and/or a wave front aberration are corrected.

44. (Previously Presented) The optical pickup device of claim 42, wherein a magnification m of the objective optical element satisfies a formula:
$$-0.295 \leq m \leq -0.049.$$

45. (Currently Amended) The optical pickup device of claim 42, wherein information is at least one of reproduced and/or and recorded for a third optical information recording medium having a protect substrate thickness t_3 ($t_3 > t_2$) by using a light beam having a third wavelength λ_3 ($\lambda_3 > \lambda_2$) emitted from a third light source.

46. (New) The optical element of claim 1, wherein the optical element is an objective optical element.

47. (New) The optical element of claim 1, wherein the optical path difference giving structure is arranged on an optical surface of at least one of the plurality of different ring-shaped zones.